

REMARKS

This application has been carefully reviewed in light of the Office Action dated August 15, 2003. Claims 1-21 remain pending in this application. Claims 1, 9, and 15 are the independent claims. Favorable reconsideration is respectfully requested.

Applicants note with appreciation the indication that Claims 3, 5, 10, and 12 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants respectfully refrain from so amending Claims 3, 5, 10, and 12 at this time because they believe their base claims allowable.

In response to the Office Action's objections to Claims 2, 9, and 12, Applicants respectfully believe the amendments to Claims 2, 9, and 12 adequately respond to the Office Action's objections and request their withdrawal.

On the merits, the Office Action rejected Claims 1-2, 4, 6, 8-9, 11, 13-18, and 20-21 under 35 USC § 103(a) as being unpatentable over Pacher (U.S. Patent No. 4,894,813; hereinafter "Pacher") in view of Curry (U.S. Patent No. 3,922,665; hereinafter "Curry"). The Office Action also rejected Claims 7 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Pacher and Curry in view of Pirim (U.S. Patent No. 6,304,187; hereinafter "Pirim").

Applicants respectfully submit that the pending application and claims are patentable for at least the following reasons.

Applicants' Claim 1 recites: "[A] method for adjusting alarm clock signals, the method comprising the steps of: (a) tracking behavior of a person in a predetermined area under surveillance after the activation of an alarm clock; (b) determining whether the person is motionless within a first predetermined time period based on a series of frame data; and, (c) if motionless, gradually increasing the alarm clock signals of said alarm clock."

It is respectfully submitted that Pacher fails to recite or suggest determining whether the person is motionless within a first predetermined time period based on a series of frame data. Rather, Pacher recites a personal alarm utilizing either an infrared or ultrasonic sensor to detect a change in reflected radiation emitted from a transmitter (see, e.g., Col. 3, lines 44-46). Such sensors do not determine motion based on a series of frame data, but rather using reflected radiation. In addition, no actual tracking is performed in Pacher, but rather, individual signals are sent out and only when a change in the signals is detected does any action take place. Pacher can be viewed as a series of individual measurements, as opposed to "tracking" which compares one temporal or physical location to another. Thus, Applicants respectfully

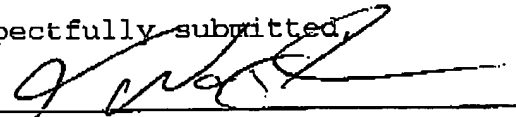
believe Claim 1 to be patentable over Pacher and Curry for at least these reasons.

Claims 9 and 15 recite methods substantially corresponding to Claim 1 and are believed patentable for at least the same reasons.

Claims 2-8, 10-14, and 16-21 depend from one or another of the independent claims discussed above and are believed patentable for at least the same reasons. In addition, however, each is also deemed to define an additional aspect of the invention, and should be individually considered on its own merits. Further, Applicants respectfully believe the § 103 rejections of Claims 3-7, 10-14, and 16-21 to be moot in light of the above amendments and remarks. Applicants respectfully request withdrawal of the § 103 rejections.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the currently-pending claims are clearly patentably distinguishable over the cited and applied references. Accordingly, entry of this amendment, reconsideration of the rejections of the claims over the references cited, and allowance of this application is earnestly solicited.

Respectfully submitted,

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